

U.S. Patent Application Serial No. **10/715,126**
Response filed September 15, 2005
Reply to OA dated June 15, 2005

REMARKS:

Claims 1-8 are currently pending. Claims 6-8 have been withdrawn in response to the requirement to elect a single disclosed species. Claims 1-5 are currently being considered, of which claims 1-3 have been amended herein.

Applicants note with appreciation the Examiner's indication that claims 2 and 3 set forth allowable subject matter. The Examiner has objected to claims 2 and 3 as being dependent upon a rejected base claim, and has noted that claims 2 and 3 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Accordingly, claims 2 and 3 have been amended in a manner intended to place claims 2 and 3 in condition for allowance.

Thus, Applicants respectfully submit that the objection to claims 2 and 3 should be withdrawn.

Claims 1, 4, and 5 stand rejected under 35 USC 102(e) as anticipated by USP 6,673,595 (**Barbera-Guillem**).

Applicants respectfully traverse this rejection.

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Barbera-Guillem fails to describe, teach, or suggest the following features set forth in claim 1, as amended: “the culture container accommodating rack accommodating culture containers having different heights”, in combination with the other claimed features.

Thus, Applicants respectfully submit that this rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, all claims currently being considered are respectfully believed to be in condition for allowance, which action, at an early date, is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants’ undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,
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Enclosures: Amendment Transmittal